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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,539	12/30/2003	William J. Sikes	10463-004	5598
29847	7590	06/05/2006		EXAMINER
				BENENSON, BORIS
			ART UNIT	PAPER NUMBER
				2836

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/750,539	SIKES ET AL.
Examiner	Art Unit	
Boris Benenson	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 and 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 September 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

Detailed Actions

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-14 and 18, drawn to an electric charge generating device, classified in class 361, subclass 232.

II. Claims 15-17, drawn to an electric cable capable of carrying a high voltage current, classified in class 174, subclass 120.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require particulars such as a first and a second layers of insulation, as well as materials comprising the insulation

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layers and a diameter of high voltage wire. The subcombination has separate utility such as high voltage cable for different application.

3. During a telephone conversation with Timothy H. Van Dyke on 5/22/2006 a provisional election was made to prosecute the invention of I, claims 1-14 and 18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

4. Claim 9 is objected to because of the following informalities: a spelling of words "The deviceof" is incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 1-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creedon (1,046985) in view of Diaz (1,915,721) and Whiton et al. (6,961,227). Creedon disclosed an Electrical Device that is capable of delivering a non-lethal electrical shock to a person comprising a glove read on an article of apparel (Fig.1, Pos. 8) with electrodes (7) "to supply an electric shock to the person grasped" (Col.1, Lines 19-20), a pressure sensitive switch (10) that activates a primary winding if an induction coil (5) and therefore causing discharge of a high voltage signal from a secondary winding if the induction coil. The device comprises a multi wire harness with a first end which is connected to a battery (3) through subset of low voltage conductors (4) and to the primary winding the induction coil (5) through subset of high voltage conductors (6) and a second end of the multi wire harness is connected to the electrodes (7) through subset of high voltage conductors (6) and the switch (10) through subset of low voltage conductors (4). A unit to be mounted on a belt (1) of a person comprises a battery (3) designed to provide electrical power to the device and the induction coil (5) designed to generate a high voltage electrical shock. The device designed to receive an activation control signal from the switch (10) located on the article of apparel and to output the high voltage electrical shock back to

the article of apparel to discharge. Creedon didn't disclose an electrical connector, which connects the article of apparel including the electrodes and the activation switch to the wiring harness and didn't disclose a master switch to turn the power supply on and off. Diaz teaches an electrical glove wherein a power control unit, contained in a case (Fig.3, Pos.17), comprises a battery or dry cell (9), an induction coil (10), master switch (11) and set of high voltage wires (12, 13) connected to the glove through a connecting strap (Fig. 4, Pos.16) that includes contacts (14 and 15) engaging to contacts (Fig.2 Pos. 4 and 5) of the glove. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Creedon with teachings of Diaz and make the glove easy separated from the wiring harness and install a master switch that allow to turn on/off entire system, because a connector will enable the user to take the gloves off without necessity to take off entire system and to power system off to avoid unintended firing of the system. Neither Creedon nor Diaz discloses how high voltage electrical shock should be generated on order to provide enough shock to provide non-lethal shock and at the same time provide defense to the user. Whiton et al. teach an Electrically Charged Self-Defense Wearable. Whiton et al. teach, "the preferred power source 28 is capable of

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operating in a high voltage (i.e., 20 kV to 100 kV)" (Col.7, Lines 13-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Creedon in view of Diaz with teachings of Whiton et al. and use a power source which generates high voltage between 20 kV and 100 kV, because it will provide powerful enough high voltage shock.

Referring to Claim 2, Creedon and Diaz disclose devices where particles of apparel are gloves.

Referring to Claims 3-8, Whiton et al. disclose a wearable comprising "a body portion for overlying one or more body parts of a wearer" (Claim 1) read on vest, jacket, shirt, and pair of pants or shoes.

Referring to Claim 9, Whiton et al. disclose two activating switches (Fig.3, Pos.26) wherein the device is charged "upon a triggering of either activating switch 26 or only upon a simultaneous triggering of both activating switches 26" (Col.10, Lines 6-8).

6. Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Creedon (1,046,985) in view of Diaz (1,915,721) and Whiton et al. (6,961,227) as applied to claim 1 above, and further in view of Henderson et al. (3,998,459). Creedon and Diaz indicate a circuitry comprising a battery, a high voltage

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transformer with primary and secondary windings and an activation switch. Neither Creedon nor Diaz discloses a circuitry that comprises "at least one oscillator and at least one transformer". Henderson et al. teach an Electrical Shocking Device wherein a circuitry comprises an oscillator (Fig.3, Pos. 31-37) to produce high voltage impulses in a secondary winding (38) of a high voltage transformer (34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Creedon (1,046985) in view of Diaz (1,915,721) and Whiton et al. (6,961,227) and use a circuit comprising at least one oscillator and at least one transformer as teach Henderson et al., because such circuit will supply multiplicity of high voltage impulses upon engaging the activation switch.

7. Claims 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creedon (1,046985) in view of Diaz (1,915,721) and Whiton et al. (6,961,227) as applied to claim 1 above, and further in view of Symmes (3,885,576). Creedon and Diaz disclose a circuitry comprising a battery, a high voltage transformer with primary and secondary windings and an activation switch. Creedon disclose also that the control circuitry is fastened to a belt (Fig.1, Pos.1). Neither Creedon nor Diaz discloses a circuitry that comprises "at least one

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oscillator and at least transformer". They did not disclose also a type of fastener by which the control circuit is fixed to its position. Symmes teaches a Wrist Band Including A Mercury Switch To Induce An Electric Shock. Symmes teaches at least one oscillator and at least transformer (Figure 5) and a belt-clip (Fig.4, Pos 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Creedon (1,046985) in view of Diaz (1,915,721) and Whiton et al. (6,961,227) and use a circuit comprising at least one oscillator and at least transformer and fasten the circuit by the belt-clip as teaches Symmes, because it will enable the user to provide desirable electric shock and will allow to fasten / unfasten the device to any particles of clothing.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272-2800 ext 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Benenson
Examiner
Art Unit 2836

B.B.



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